

NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: February 14, 1983

TITLE 27 - DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS AND MEASURES

Chapter 2 - WEIGHTS AND MEASURES STANDARD LABORATORY OPERATING PROCEDURES AND FEES

001 Standards Laboratory Operating Procedures.

001.01 Laboratory services are subject to the fees specified in section 002. The charges for laboratory services are based on secondary standards ready for certification that do not need pre-calibration services as specified in subsection 002.08.

001.02 No secondary standard shall be approved unless the design and construction complies with the National Institute of Standards and Technology publication, Series 105, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*, which by this reference, is hereby adopted and promulgated.

001.03 All secondary standards approved shall meet the tolerances prescribed by the National Institute of Standards and Technology.

001.04 Secondary standards determined unfit for approval shall be rejected after testing, and removed from service by the State Metrologist after notification to the owner and the administrator of the Weights and Measures Division. The owner of such secondary standard may request a hearing on the matter in accordance with the Administrative Procedure Act.

001.05 All secondary standards as defined by the Weights and Measures Act used by repair personnel shall show an indication of the date approved and the jurisdiction issuing the approval.

001.06 All repair personnel who install, service, or repair weighing or measuring devices in the State of Nebraska shall annually submit their secondary standards to the Nebraska Standards Laboratory for approval. Certificates of approval of secondary standards issued by another state laboratory or a National Voluntary Laboratory Accreditation Program laboratory will be accepted in lieu of submitting the secondary standards to the Nebraska Standards Laboratory. Certification and traceability to the National Institute of Standards and Technology issued by the Nebraska Standards Laboratory is valid for a period of one year unless stated otherwise on the certificate. This traceability shall remain in effect for the period stated unless physical damage occurs to the secondary standard. If damage occurs to the secondary standard, the certificate shall no longer be in effect. The Nebraska Standards Laboratory shall establish procedures designating time intervals for recertification of secondary standards.

001.07 All secondary standards will be tested in the order in which they are received in the Nebraska Standards Laboratory unless arrangements for testing have been made in advance.

002 Standards Laboratory Fee Schedule.

002.01 Weights - Class F Tolerance Testing

5 lbs. and under \$ 6.25 per weight

Over 5 lbs. to and including 50 lbs. \$ 8.50 per weight

Over 50 lbs. to and including 1,200 lbs. \$23.50 per weight

Over 1,200 lbs. \$80.00 per hour

002.02 Test Weight Kits - All Classes

Tolerance or Precision Testing \$80.00 per hour

002.03 Dry Measures or Liquid Measures

Less than 5 gallons \$80.00 per hour

002.04 Metal Volumetric Field Standards

5 gallons to and including 25 gallons. . . \$51.00 per unit

Over 25 gallons . . \$80.00 per hour

002.05 Linear Measures \$80.00 per hour

002.06 Pressurized Volumetric Standards . . \$80.00 per hour

002.07 Pressure Standards and Gauges . . \$80.00 per hour

002.08 Pre-Calibration Services. Any standard requiring adjustment and retesting, cleaning, painting, or other pre-calibration services will be charged at a rate of \$80.00 per hour plus costs of materials, in addition to the fees set forth in subsections 002.01 through 002.08.

002.09 The cost for laboratory services not included in subsections 002.01 through 002.08 shall be \$80.00 per hour.

003 Definitions.

003.01 Secondary standards shall mean the physical standards which are traceable to the primary standards through comparisons using acceptable laboratory procedures. Such standards shall be used in the sale of a commodity or in the verification of weights and measures or weighing and measuring devices for accuracy.

003.02 Repair personnel shall mean any person who installs, services, repairs, or reconditions a commercial weighing and measuring device.

004 Publication Adopted. National Institute of Standards and Technology publication Series 105, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*.

005 Annotation. Neb. Rev. Stat. §§89-183 to 89-1,103 (Reissue 1994 and Supp. 1997).

TITLE 27 - DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS AND MEASURES

Chapter 3 - SCALE REGULATIONS

001 Vehicle, Axle Load, Livestock, and Railroad Track Scales.

001.01 Application. This regulation shall apply to all permanent installations of vehicle, axle load, livestock and railroad track scales placed in use after the effective date of these regulations. All scales installed prior to the effective date of these regulations shall continue to meet the requirements of the regulations in effect at the time of their installation. It does not apply to scales to be installed at one location for less than 180 days.

001.02 Plans and Prints. Scale owners shall maintain the manufacturer's plans for review by the Department of Agriculture, Division of Weights and Measures, for compliance with these regulations. Amendments to original plans and prints shall be approved, in writing, by the manufacturer prior to construction. The installation of vehicle, axle load, livestock, and railroad track scales shall be strictly in accordance with these regulations, unless prior written authorization has been received from the Department of Agriculture, Division of Weights and Measures. Such authorization shall only be granted if it is determined to otherwise be in compliance with the Weights and Measures Act.

001.03 Requirements.

001.03A All vehicle, axle load, livestock and railroad track scales installed in the State of Nebraska following the effective date of this regulation shall meet all of the requirements specified by:

001.03A1 The manufacturer of the scale;

001.03A2 This regulation; and

001.03A3 The Weights and Measures Act.

001.03B Failure to meet these requirements or to correct any installation characteristic that adversely affects the performance of the scale shall result in the issuance of a stop-use, hold or removal order with respect to the scale.

001.04 Foundation. A suitable foundation shall be provided for the scale to rest on. This foundation shall meet the following minimum requirements:

001.04A Soil Bearing. An adequate bearing area shall be provided to match piers to existing soil bearing capabilities stabilized at the desired grade (elevation) to support the load as specified by the scale manufacturer. If not specified, the bearing area shall support at least 3,000 pounds per square foot. The scale owner shall be responsible for determining whether or not soil characteristics meet the requirements for a particular design, and if they do not, the owner shall arrange for design modifications to suit the existing soil conditions.

001.04B Piers. When piers are required by the manufacturer's specifications, they shall be of reinforced concrete poured to the depth of the local frost line, but shall not be less than four feet. The installation shall support the combined loads applied by the weight of the scale, the weighbridge, and the maximum anticipated load on the scale. The installation shall also distribute these loads evenly over the underlying ground so any settlement of the structure shall be minimized and uniform throughout the structure. End walls shall be of monolithic construction with the end piers or foundation. Pit type scales with internal piers shall be of monolithic construction with the pit sidewalls.

001.05 Clearance. Clearance shall mean the distance measured from the bottom of the weighbridge main beams or supporting structure to the bottom of the pit or the top of the cleaning slab. The clearance on all scales shall meet the following requirements:

001.05A Clearance in no case shall be less than the scale manufacturer's specifications.

001.05B Pit-type. Clearance is recommended to be not less than forty-eight (48) inches for both lever type scales and load cell type scales.

001.05C Pitless or Self-Contained. Clearance is recommended to be three (3) inches or greater from both lever type scales and load cell type scales.

001.06 Floors and Slabs.

001.06A Pit Floor. A pit floor is recommended to aid in cleaning the scale pit. If a pit floor is installed, it shall be constructed of reinforced concrete sloping to a drain, a sump, or both, located in close proximity to the entrance of the pit. The scale pit shall be kept clean and dry at

all times. If the pit is installed without a floor, soil conditions shall be such that adequate drainage will occur.

001.06B Pitless or Self-Contained Slab. A pitless or self-contained scale shall have a concrete or asphalt slab four (4) inches thick below the weighbridge. The slab shall have an underlay of six (6) inches of gravel under the slab. The slab shall be sloped to provide drainage and aid in cleaning.

001.07 Pit Walls. Pit walls shall be of reinforced concrete and shall be of monolithic construction.

001.07A End Walls. The end walls for vehicle and axle load scales shall be at least sixteen (16) inches in thickness. The end walls for livestock scale shall be at least twelve (12) inches in thickness. Livestock scales designed for weighing livestock or vehicles shall be considered a vehicle scale when applying this section. When end walls for vehicle and axle load scales are constructed with a step at the upper outer edge to provide support for the concrete approaches, the step shall be at least six (6) inches by six (6) inches.

001.07B Sidewalls. The sidewalls for vehicle, axle load, and livestock scales shall be at least twelve (12) inches in thickness.

001.07C The end walls and sidewalls for a railroad track scale shall be constructed in accordance with the manufacturer's specifications.

001.08 Pit Coping. The pit walls shall provide for a structural steel angle iron frame to form the inner corner of the wall. The angle should be at least two inches by two inches by one-fourth inch (2"x2"x1/4"), and shall have welded projections to provide anchoring in the concrete at four (4) foot intervals (minimum). This frame shall be welded at the joints to prevent minor cracking of the walls.

001.09 Bumper Check Plates or Check Rods. Bumper check plates or check rods shall be installed in accordance with the manufacturer's specifications.

001.10 Approaches. The approach shall be straight and level, of the same width and in the same plane as the scale platform. Construction shall be in accordance with the manufacturer's specifications.

001.10A Vehicle Scales.

001.10A1 The entire approach shall be 40 feet in length or one-half the length of the platform, whichever is less. The approach shall be either tied to the supporting structure of the scale or supported with a step tied to the supporting structure of the wall. The steps shall be at least six (6) inches by six (6) inches along the entire width of the approach.

001.10A2 At least ten (10) feet of the approach adjacent to the scale shall be made of reinforced concrete. The remaining approach shall be of a durable material to ensure that the grade is maintained. It may vary from the plane of the scale platform but any slope shall not exceed one (1) inch per foot and shall be away from the scale platform, and the slope shall be at a uniform rate.

001.10A3 It is recommended that means be provided to prevent the turning of vehicles onto or off the scale (including the ten (10) foot concrete approaches) on each end of the scale.

001.10B Axle Load Scales. Axle load scales shall have reinforced concrete approaches at both ends of the scale and in the same plane as the scale platform. The length of each approach shall be equal to, or greater than, the longest vehicle capable of being weighed by the scale. When axle load scales are used in combination (multiple platform scales) the approaches shall meet the requirements of Section 001.10A of these regulations.

001.10C Livestock Scales. Livestock scales shall have a ten (10) foot approach of reinforced concrete and be in the same plane as the scale platform. Such approach shall be at least as wide as the gate, but not less than six (6) feet on at least one entrance of the scale. All corrals, gates, and other structures shall be arranged so the livestock scale is accessible to testing equipment.

001.10D Railroad Track Scales. Railroad track scales shall have an approach which meets or exceeds the manufacturer's specifications.

001.11 Access to Scale Mechanism. Access to the scale mechanism shall be provided to permit proper inspection, servicing, and cleaning.

001.11A Pit Access - Livestock Scales. On mechanical pit-type livestock scales, one opening shall be provided in the scale platform, pit neck covering, or pit wall to provide access to the pit. It is highly recommended that all livestock scales have an opening in the scale pit wall for easy cleaning and servicing.

001.11B Pit Access - Other Pit-Type Scales. One opening shall be provided for scale platforms twenty-five (25) feet, or less; two openings shall be provided for scale platforms over twenty-five (25) feet and under fifty (50) feet in length; and three openings shall be provided for scale platforms fifty (50) feet or more in length. Such openings shall be in the scale platform and shall be either a circle not less than twenty-two (22) inches in diameter, or a square of not less than twenty-two (22) inch sides. Both shall have suitable covers. An additional entrance through a pit wall may also be provided. Such entrance shall not be less than thirty-six (36) inches wide. The top of the opening shall not be lower than the main girders and the bottom of the opening shall be approximately even with the bottom of the pit. Where the scale entrance is at the pit neck, the center line of any lever extending through a pit wall opening shall have at least twenty-seven (27) inches clearance from one side of the opening.

001.12 Mechanical Indicating Elements. Mechanical indicating elements shall be mounted on a firm foundation which is adequate to prevent deflection or vibration.

001.13 Electric Load Cell Cabling. All cabling between load cells, junction boxes, and electronic instrumentation shall be shielded, grounded, and protected from environmental factors as per manufacturer's specifications.

001.14 Power Source. The power source shall be on a separate circuit back to the distribution transformer with no other loads connected or the power supply shall be isolated from outside electrical interference. One side of the power source should be at ground potential.

002 Definitions. The definition of terms found in the Weights and Measures Act shall apply to such terms found in these regulations.

003 Administration. These regulations are administered by the Nebraska Department of Agriculture, Division of Weights and Measures, Fourth Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94757, Lincoln, Nebraska 68509. The telephone number is (402) 471-4292.

004 Annotation. Neb. Rev. Stat. §§89-187 to 89-1,103 (Reissue 1987 and Supp. 1991).

TITLE 27 - DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS & MEASURES

Chapter 4 - DISCLOSURES REQUIRED ON DELIVERY TICKET ACCOMPANYING

BULK SALE OF MEAT

001 Statement of Purpose. The Director, having the duty to enforce the provisions of Sections 89-183 to 89-1,103, R.R.S. of Nebraska, 1943, Cum. Supp. 1976, and to promulgate regulations to accomplish the same, and having determined that in the case of Bulk Sales of Meat, the existing practice of declaring quantity by weight, measure, numerical count, or combinations thereof, do not facilitate value comparisons by consumers and offer opportunities for consumer confusion, promulgates this rule for the purpose of protecting the consumer from fraudulent and unfair practices in the sale of meat by carcass, side, primal cut, or otherwise from bulk, and also to provide for sufficient disclosures to the purchaser of meat purchased by carcass, side, primal cut, or otherwise from bulk, in order to facilitate meaningful value comparisons by the consumer.

002 Definitions. The definitions contained within the statutes under which this rule is promulgated and the following definitions shall apply wherever used in this rule unless the context requires otherwise.

002.01. "Person" shall mean both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

002.02. "Seller" shall mean any person who sells meat by the side, carcass, primal cut, or otherwise from bulk.

002.03. "Purchaser" shall mean any person who buys meat by the side, carcass, primal cut, or otherwise from bulk.

002.04. "Meat" shall include, but is not limited to, beef, pork, veal, and lamb.

002.05. "Hanging weight" shall mean weight of side, carcass, or primal cuts prior to the cutting, processing, and wrapping thereof.

002.06. "Side" shall mean one matched forequarter and hindquarter or one-half of a meat animal carcass.

002.07. "Carcass" shall mean the dressed, slaughtered animal containing two sides.

002.08. "Primal cut" shall mean all wholesale cuts of meat including, but not limited to, the following: the round, loin, flank, rib, chucks, brisket, plate and shank cuts of beef; the leg or ham, loin, spareribes, bacon or side pork, shoulder and jowl cuts of pork; the round or leg, sirloin, loin, rib, breast, shoulder and shank cuts of veal; the leg, sirloin, loin, rib, shoulder, necks, breast and fore shank cuts of lamb.

009.09. "Bulk sale of meat" or "sale of meat from bulk" shall mean the sale of meat when the quantity is determined at the time of sale and shall include the sale of meat by carcass, side or primal cut.

002.10. "Weight" shall be stated in pounds and ounces.

003 Disclosures Required. Except as provided in 27 NAC 4-004, any person who sells meat from bulk, at a price exceeding twenty dollars (\$20.00), and cuts up that meat prior to delivery to the purchaser shall provide the purchaser with a delivery ticket at the time of delivery; giving the following information:

003.01. The name and address of the seller and purchaser and the date of the delivery.

003.02. The price per pound before cutting and wrapping and the total price of the sale.

003.03. The total net weight or hanging weight of the carcass, side, or primal cut prior to cutting or processing.

003.04. The total net weight of the cut-up, processed and wrapped meat, delivered to the purchaser.

003.05. A list of the quantity and names of all retail cuts delivered, and their quality grade and yield grade, if so graded by USDA (United States Department of Agriculture).

003.06. An itemized list of any and all charges over and above the original sale price of the carcass, side, or primal cuts.

003.07. The count of individually wrapped packages, if more than one.

003.08. The price per pound of delivered quantity based on total purchase price.

This delivery ticket shall not include the weight of any meat or other commodities received by the purchaser as a bonus offer or gift in connection with the purchase of the carcass, side, or primal cut. The statement may include a description of whether the sale is from the

forequarter or hindquarter.

004 Notice Posted In Lieu Of 27 NAC 4-003 Requirement.

004.01. In lieu of providing the purchaser with the delivery ticket required in 27 NAC 4-003, the seller must have a permanent sign, posted in such a manner so as to be immediately visible to any prospective purchaser upon entering seller's business establishment, stating, without variation, the following message:

NOTICE TO CUSTOMERS

The management of this establishment must provide upon request to anyone who purchases meat herefrom in bulk, where the price exceeds twenty dollars (\$20.00) and the seller cuts up that meat prior to delivery to the purchaser, a delivery ticket that discloses the following information:

- (i) The name and address of the seller, the purchaser, and the date of delivery.
- (ii) The price per pound before cutting and wrapping and the total price of the sale.
- (iii) The total net weight or hanging weight of the carcass, side, or primal cut prior to cutting or processing.
- (iv) The total net weight of the cut-up, processed and wrapped meat, delivered to the purchaser.
- (v) A list of the quantity and names of all retail cuts delivered, and their quality grade and yield grade, if so graded by USDA (United States Department of Agriculture).
- (vi) An itemized list of any and all charges over and above the original sale price of the carcass, side, or primal cuts.
- (vii) The price per pound of delivered quantity based on total purchase price.

This delivery ticket shall not include the weight of any meat or other commodities received by the purchaser as a bonus offer or gift in connection with the purchase of this carcass, side, or primal cut. The statement may include a description of whether the sale is from the forequarter or hindquarter.

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004.02. The composition of said sign shall be as follows:

004.02A. The color shall be white with black or red letters.

004.02B. The heading phrase, "NOTICE TO CUSTOMERS," shall be composed of large case letters approximately one (1) inch (2.54 cm.) in height and one-half (1/2) inch (1.27 cm.) in width.

004.02C. The remaining lettering shall be composed of small case letters approximately 3/16 inch (0.47 cm.) in height and 1/8 inch (0.31 cm.) in width and, where proper spelling dictates, large case letters approximately 1/4 inch (0.62 cm.) in height and 1/8 inch (0.31 cm.) in width.

004.02D. The wording shall be centered, the top and bottom margin shall be approximately 2 inches (5.08 cm.) and the side margins shall be approximately 1 1/2 inch (3.81 cm.).

004.03. There shall be no message or language other than that set out in 27 NAC 4-004.01.

004.04. The sign shall be posted in such a manner so that no part of it is within three (3) inches (7.62 cm.) of any other posted material; and so that it is discernible and readable by the customer.

005 Construction. Nothing herein contained shall be construed to excuse or exempt any person from obligations imposed by statute.

006 Effective Date. This rule shall become effective five (5) days after it has been filed with the Revisor of Regulations, as provided by the Administrative Procedures Act.

007 Annotation. Neb. Rev. Stat. §§89-193 to 89-1,103.